

2009 DRAFTING REQUEST

Bill

Received: **12/29/2008**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Leah Vukmir (608) 266-9180**

By/Representing: **Dean Cady**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **State Finance - bud generally**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Vukmir@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Consideration of biennial budget bill

Instructions:

See attached. Compile LRBs 0922, 0939, and 0941 into a single bill.

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/?	rchampag 12/29/2008	bkraft 12/30/2008		_____			State
/1			mduchek 12/30/2008	_____	cduerst 12/30/2008	cduerst 12/30/2008	State
/2	rchampag 01/05/2009 jkuesel 01/05/2009	kfollett 01/06/2009	phenry 01/07/2009	_____ _____ _____	mbarman 01/07/2009	mbarman 01/07/2009	State

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/3	jkuesel 01/08/2009	kfollett 01/08/2009	jfrantze 01/09/2009		mbarman 01/09/2009	mbarman 01/09/2009	State
/4	rchampag 01/23/2009	kfollett 01/25/2009	jfrantze 01/26/2009		sbasford 01/26/2009	sbasford 01/26/2009	State
/5	rchampag 03/05/2009	kfollett 03/05/2009	phenry 03/06/2009		sbasford 03/06/2009	sbasford 03/06/2009	

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FE Sent For:

<END>

Champagne, Rick

From: Cady, Dean
Sent: Monday, December 29, 2008 3:00 PM
To: Champagne, Rick
Subject: RE: LRB-0941/1 (Lobbying relating to budget bill subjects; contacts with JFC members)

Attachments: 09-06051.pdf

I understand. I have Assembly Resolution LRB 0605/1, the one establishing the Committees & names, I attached it. If that is the appropriate one to amend then go ahead and draft it b/c we have it; Scot Adrian sent it around on the 23rd.



09-06051.pdf (13 KB)

From: Champagne, Rick
Sent: Monday, December 29, 2008 2:56 PM
To: Cady, Dean
Subject: RE: LRB-0941/1 (Lobbying relating to budget bill subjects; contacts with JFC members)

Usually, the two Org bills are AR1, which announces and establishes the Assembly officers and leaders, and AR 2, which creates the assembly committees for the legislative session. If you don't have a copy of either resolution for this session I can't do the amendment yet for you since the resolutions are still confidential. I will have the amendment ready to go as soon as the resolutions are introduced if you don't have them or the LRB numbers. Let me know.

From: Cady, Dean
Sent: Monday, December 29, 2008 2:50 PM
To: Champagne, Rick
Subject: RE: LRB-0941/1 (Lobbying relating to budget bill subjects; contacts with JFC members)

Hi Rick, indeed I'm looking forward to New Year's as well, however, I most likely will be one of the ding dongs that jump in Lake Michigan on New Year's Day.

Yes to #1, and with respect to #2, I guess it would be an amendment to, well last session it was AR 4, the Resolution establishing the Rules, Special Orders, etc. Does that sound right to you?

Deano

From: Champagne, Rick
Sent: Monday, December 29, 2008 2:22 PM
To: Cady, Dean
Subject: RE: LRB-0941/1 (Lobbying relating to budget bill subjects; contacts with JFC members)

Hi Deano:

Christmas was nice and relaxing and right now I'm looking forward to New Year's! So what you want are the following:

1. Roll all of the bill drafts that Jeff and I did into one super bill. These drafts are 0941, 0922, 0939.
2. Draft 0958 as an amendment to the Org bill. For confidentiality reasons, Deano, can you tell me which Org bill you mean. Thanks.

Rick

From: Cady, Dean
Sent: Monday, December 29, 2008 2:16 PM
To: Champagne, Rick
Subject: RE: LRB-0941/1 (Lobbying relating to budget bill subjects; contacts with JFC members)

Hi Rick. I hope you had a nice Holiday. I just received the Bill draft from Jeff, it's attached.
Thankx a mil Rick, I really appreciate it. Also, I noticed that the Speaker's office released one of the Org Bills typically introduced on the 1st day of session, earlier we had spoken about Leah's desire to have the 2/3rds Super Majority Resolutions/Bills as an amendment drafted.
Deano

<< File: 09-09411.pdf >>

From: Champagne, Rick
Sent: Tuesday, December 16, 2008 7:22 AM
To: Cady, Dean
Subject: RE: LRB-0941/1 (Lobbying relating to budget bill subjects; contacts with JFC members)

Hi Deano:

Let me know when Jeff gets his draft to you and I will fold all of these into one draft for you.

Rick

From: Cady, Dean
Sent: Monday, December 15, 2008 11:18 AM
To: Champagne, Rick
Subject: FW: LRB-0941/1 (Lobbying relating to budget bill subjects; contacts with JFC members)

Hi Rick, just received this note from Jeff, this is what we've been waiting for. Thankx a lot, appreciated.
deano

From: Kuesel, Jeffery
Sent: Monday, December 15, 2008 10:09 AM
To: Cady, Dean
Subject: LRB-0941/1 (Lobbying relating to budget bill subjects; contacts with JFC members)

Dean,

I have completed my work on the above request for Rep. Vukmir. The draft now goes to editing. If you want to check on draft status, please call 7-9810 and give the LRB number. If you have any question regarding the completed draft, please contact me. Thank you.

Jeffery Kuesel

Managing Attorney

Wisconsin Legislative Reference Bureau

P.O.Box 2037

Madison WI 53701-2037

(608) 266-6778

jeffery.kuesel@legis.state.wi.us

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: RIAC) (Date: 12 / 29 / 2008)



☐ Please transfer the drafting file for

2007 LRB _____ to the drafting file

for 2009 LRB _____

The final version of the 2007 draft and the final Request Sheet will copied on yellow paper, and returned to the original 2007 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2007 draft was incorporated into a new 2009 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the 2009 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--OR--

☐ Please copy the drafting file for

0922,
2009 LRB 0939, & 0941 / _____ (include the version) and place it in the

drafting file for 2009 LRB -1277

For research purposes, because the original 2009 draft was incorporated into another 2009 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the new 2009 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0922/1

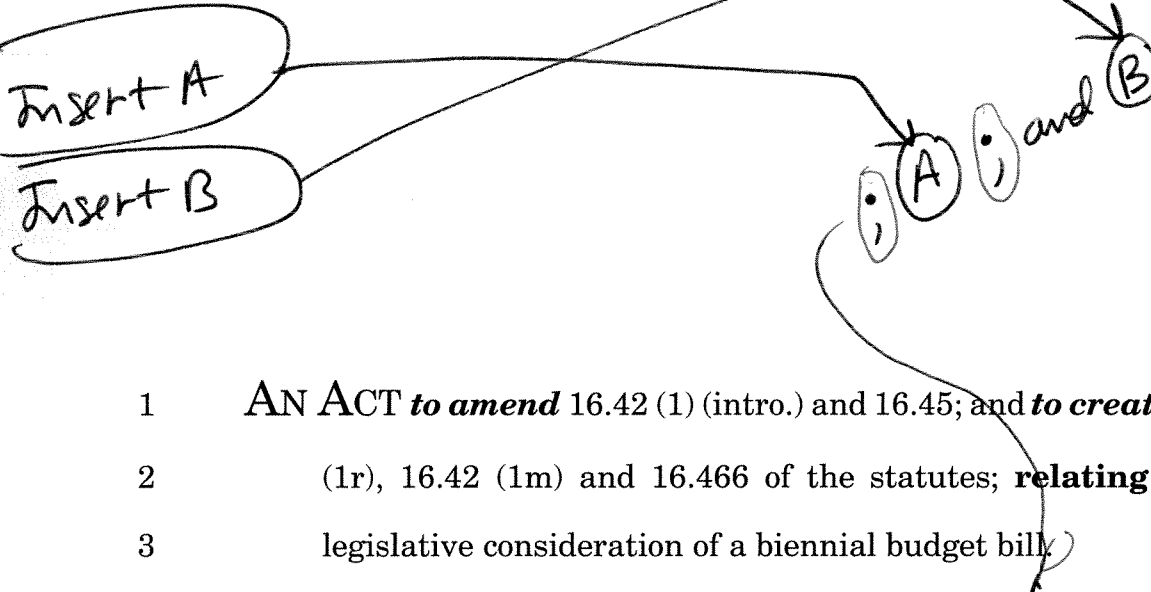
RAC:kjf:jf

JOON

2009 BILL

LRB-1277/1

RAC & JTK: kjf:bjk



- 1 AN ACT *to amend* 16.42 (1) (intro.) and 16.45; and *to create* 13.102, 13.39, 13.95
- 2 (1r), 16.42 (1m) and 16.466 of the statutes; **relating to:** preparation and
- 3 legislative consideration of a biennial budget bill.

Analysis by the Legislative Reference Bureau

> This bill makes all of the following changes relating to ~~the preparation and~~
> ~~legislative~~ consideration of biennial budget bills:

State agency budget requests

Currently, state agencies in every even-numbered year must submit certain program and financial information to the Department of Administration and the Legislative Fiscal Bureau (LFB) that is used by the governor in preparing the executive budget bill. Among the required information that state agencies must submit is proposed legislation to implement programmatic and financial plans.

This bill prohibits state agencies from submitting a proposal for an earmark or a nonfiscal policy item. Under the bill, an earmark is a provision that authorizes or requires the payment of state moneys to a specific beneficiary or beneficiaries in a manner not determined by laws of general applicability for the selection of the beneficiary or beneficiaries. Similarly, a nonfiscal policy item is a provision that does not appropriate money, provide for revenue, or relate to taxation.

Biennial state agency budget modification report

Currently, the secretary of administration must prepare a biennial budget report for distribution to the legislature on the same day that the governor delivers his budget message to the legislature. The report contains a variety of information

BILL

relating to the state's finances, expenditures, and revenues. This bill requires the secretary of administration to also prepare a biennial state agency budget modification report that includes the following information: a statement identifying each proposal in the executive budget bill that was requested by a state agency, but that was altered by the governor; a statement identifying each proposal in the executive budget bill that was not requested by a state agency; and a statement specifying the costs of each of these two proposals, the policy reasons for including each proposal in the executive budget bill, and the intended beneficiary or beneficiaries of each proposal.

Earmark transparency report

The bill requires LFB to prepare an earmark transparency report on each biennial budget bill and on each amendment thereto. The report must contain all of the following: a list of all earmarks and nonfiscal policy items; the cost of each earmark and nonfiscal policy item; and the beneficiary of each earmark and nonfiscal policy item. If the beneficiary is an individual, LFB must identify the assembly and senate district in which the beneficiary resides. If the beneficiary is an entity, LFB must identify the assembly and senate district in which the beneficiary is located, incorporated, or organized. With respect to an amendment to a biennial budget bill, LFB must identify the representative to the assembly or senator who proposed the earmark or nonfiscal policy item.

Joint Committee on Finance consideration of biennial budget bill

The bill provides that the Joint Committee on Finance ^(JCF) may not vote to recommend passage of a biennial budget bill or an amendment thereto until LFB has distributed a copy of the earmark transparency report to each member of the legislature and at least 48 hours have passed from the time when LFB has distributed the report to all of the members.

Senate and assembly consideration of biennial budget bill

The bill provides that neither house of the legislature may pass a biennial budget bill until LFB has distributed a copy of an earmark transparency report on the biennial budget bill, as amended, to each member of the legislature and at least 48 hours have passed from the time when LFB has distributed the report to all of the members. The bill further provides that, if a committee of conference is convened on a biennial budget bill, a conference report may not contain any earmark or nonfiscal policy item that was not included in the executive budget bill or an amendment thereto that was passed by either house of the legislature.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1

SECTION 1. 13.102 of the statutes is created to read:

Insert 2-1

BILL

13.102 Joint committee on finance; consideration of biennial budget bill. (1) The joint committee on finance may not vote to recommend passage of a biennial budget bill or an amendment thereto until the legislative fiscal bureau has distributed a copy of an earmark transparency report on the biennial budget bill, as amended, prepared under s. 13.95 (1r) (b), to each member of the legislature and at least 48 hours have passed from the time when the legislative fiscal bureau has distributed the report to all of the members.

(2) If a member of the joint committee on finance makes a motion during committee deliberations on a biennial budget bill to remove an earmark, as defined in s. 13.95 (1r) (a) 1., or a nonfiscal policy item, as defined in s. 13.95 (1r) (a) 2., from a biennial budget bill, the motion shall prevail on either a majority or a tie vote.

SECTION 2. 13.39 of the statutes is created to read:

13.39 Legislative consideration of biennial budget bill. (1) Neither house of the legislature may pass a biennial budget bill until the legislative fiscal bureau has distributed a copy of an earmark transparency report on the biennial budget bill, as amended, prepared under s. 13.95 (1r) (b), to each member of the legislature and at least 48 hours have passed from the time when the legislative fiscal bureau has distributed the report to all of the members.

(2) If a committee of conference is convened on a biennial budget bill, a conference report may not contain any earmark, as defined in s. 13.95 (1r) (a) 1., or nonfiscal policy item, as defined in s. 13.95 (1r) (a) 2., that was not included in the executive budget bill or an amendment thereto that was passed by either house of the legislature.

SECTION 3. 13.95 (1r) of the statutes is created to read:

13.95 (1r) EARMARK TRANSPARENCY REPORT. (a) In this subsection:

Insert 3-24

BILL**SECTION 3**

1 1. "Earmark" means a provision in a bill or amendment that authorizes or
2 requires the payment of state moneys to a specific beneficiary or beneficiaries in a
3 manner not determined by laws of general applicability for the selection of the
4 beneficiary or beneficiaries.

5 2. "Nonfiscal policy item" means a provision in a bill or amendment that does
6 not appropriate money, provide for revenue, or relate to taxation.

7 (b) The legislative fiscal bureau shall prepare an earmark transparency report
8 on each biennial budget bill and on each amendment thereto. The report shall
9 contain all of the following:

10 1. A list of all earmarks and nonfiscal policy items.

11 2. The cost of each earmark and nonfiscal policy item.

12 3. The beneficiary of each earmark and nonfiscal policy item. If the beneficiary
13 is an individual, the legislative fiscal bureau shall identify the assembly and senate
14 district in which the beneficiary resides. If the beneficiary is an entity, the legislative
15 fiscal bureau shall identify the assembly and senate district in which the beneficiary
16 is located, incorporated, or organized. If the legislative fiscal bureau cannot
17 determine the identity of a beneficiary, the legislative fiscal bureau shall note that
18 fact in the report. If the earmark is a tax deduction, credit, exclusion, or exemption,
19 all of the following shall apply:

20 a. All businesses and associations that are members of the same controlled
21 group of corporations shall be treated as a single beneficiary.

22 b. All shareholders of a corporation, partners of a partnership, members of an
23 association or organization, or beneficiaries of a trust or estate, respectively, shall be
24 treated as a single beneficiary.

25 c. All employees of a single employer shall be treated as a single beneficiary.

BILL

1 d. All health or other benefit plans of an employer that are qualified under the
2 federal Internal Revenue Code shall be treated as a single beneficiary.

3 e. All contributors to a charitable organization shall be treated as a single
4 beneficiary.

5 f. All holders of the same bond or note issue shall be treated as a single
6 beneficiary.

7 g. If a corporation, partnership, association or organization, or trust estate is
8 the beneficiary, the shareholders of the corporation, the partners of the partnership,
9 the members of the association or organization, or the beneficiaries of the trust or
10 estate shall not be considered beneficiaries.

11 4. If an amendment, the name of the representative to the assembly or senator
12 who proposed the earmark or nonfiscal policy item.

13 **SECTION 4.** 16.42 (1) (intro.) of the statutes is amended to read:

14 16.42 (1) (intro.) All agencies, other than the legislature and the courts, no later
15 than September 15 of each even-numbered year, in the form and content prescribed
16 by the department, shall, subject to sub. (1m), prepare and forward to the
17 department and to the legislative fiscal bureau the following program and financial
18 information:

19 **SECTION 5.** 16.42 (1m) of the statutes is created to read:

20 16.42 (1m) An agency may not include in the program and financial
21 information provided to the department and the legislative fiscal bureau under sub.
22 (1) a proposal for an earmark, as defined in s. 13.95 (1r) (a) 1., or a nonfiscal policy
23 item, as defined in s. 13.95 (1r) (a) 2.

24 **SECTION 6.** 16.45 of the statutes is amended to read:

BILL

SECTION 6

1 **16.45 Budget message to legislature.** In each regular session of the
2 legislature, the governor shall deliver the budget message to the 2 houses in joint
3 session assembled. Unless a later date is requested by the governor and approved
4 by the legislature in the form of a joint resolution, the budget message shall be
5 delivered on or before the last Tuesday in January of the odd-numbered year. With
6 the message the governor shall transmit to the legislature, as provided in ss. 16.46
7 and to 16.47, the biennial state budget report, the biennial state agency budget
8 modification report, and the executive budget bill or bills together with suggestions
9 for the best methods for raising the needed revenues. The governor may distribute
10 the biennial state budget report in printed or optical disk format.

11 **SECTION 7.** 16.466 of the statutes is created to read:

12 **16.466 Biennial state agency budget modification report.** A biennial
13 state agency budget modification report shall be prepared by the secretary, under the
14 direction of the governor, and a copy of the report shall be furnished to each member
15 of the legislature on the day of the delivery of the budget message and shall contain
16 the following information:

17 (a) A statement identifying each proposal in the executive budget bill that was
18 requested by an agency under s. 16.42 (1), but that was altered by the governor.

19 (b) A statement identifying each proposal in the executive budget bill that was
20 not requested by an agency under s. 16.42 (1).

21 (c) A statement specifying the costs of each proposal under pars. (a) and (b), the
22 policy reasons for including each proposal in the executive budget bill, and the
23 intended beneficiaries of each proposal.

Insert
6-23



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0939/1

RAC:kjf:rs

2009 BILL

A

- 1 AN ACT *to create* 13.09 (7) of the statutes; **relating to:** making all meetings of
2 the Joint Committee on Finance relating to the biennial budget bill available
3 in real time for viewing by the public on the legislature's Internet Web site.

Analysis by the Legislative Reference Bureau

Analysis
1 This bill requires that all meetings of ~~the Joint Committee on Finance (JCF)~~ relating to the biennial budget bill be available in real time for viewing by the public on the legislature's Internet Web site. The bill further provides that all documents before JCF at each meeting must be available on the legislature's Internet Web site for viewing by the public.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 **SECTION 1.** 13.09 (7) of the statutes is created to read:
5 13.09 (7) All meetings of the committee relating to executive budget bills
6 introduced under s. 16.47 (1) shall be available in real time for viewing by the public
7 on the legislature's Internet Web site. All documents before the committee at each
- 2-1
- Y

BILL

SECTION 1

end of 2-1
1 meeting shall also be available on the legislature's Internet Web site for viewing by
2 the public.

3 (END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0941/1

JTK:bjk:md

2009 BILL

B

1 AN ACT *to amend* 13.68 (1) (bn); and *to create* 13.68 (1) (bp) and 13.68 (1) (bq)
2 of the statutes; **relating to:** reporting of certain information by lobbying
3 principals.

~~Reporting of information by lobbying principals~~

~~Analysis by the Legislative Reference Bureau~~

Currently, with certain exceptions, a principal (person who employs a lobbyist) must register and file semiannual reports with the Government Accountability Board. The reports must include, for each budget bill subject that accounts for 10 percent or more of the principal's time spent in lobbying during each reporting period, the principal's reasonable estimate of the proportion of its time spent in lobbying associated with that budget bill subject.

This bill requires instead that a principal report semiannually, for each budget bill subject with respect to which the principal made one or more lobbying communications, the principal's reasonable estimate of the proportion of its time spent in lobbying associated with the budget bill subject. In addition, the bill requires a principal to report the name of each member of the joint committee on finance to whom the principal made one or more lobbying communications.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 13.68 (1) (bn) of the statutes is amended to read:

3-24

↓

BILL

SECTION 1

1 13.68 (1) (bn) For each legislative proposal, proposed administrative rule,
2 ~~budget bill subject~~ or other topic, except a budget bill subject, that accounts for 10%
3 or more of the principal's time spent in lobbying during the reporting period, the
4 principal's reasonable estimate of the proportion of its time spent in lobbying
5 associated with that legislative proposal, proposed administrative rule, ~~budget bill~~
6 ~~subject~~ or other topic.

7 **SECTION 2.** 13.68 (1) (bp) of the statutes is created to read:

8 13.68 (1) (bp) For each budget bill subject with respect to which the principal
9 made one or more lobbying communications, the principal's reasonable estimate of
10 the proportion of its time spent in lobbying associated with the budget bill subject.

11 **SECTION 3.** 13.68 (1) (bq) of the statutes is created to read:

12 13.68 (1) (bq) The name of each member of the joint committee on finance to
13 whom the principal made one or more lobbying communications.

14 **SECTION 4. Initial applicability.**

15 (1) This Act first applies with respect to reporting periods that begin on or after
16 the effective date of this subsection.

17 (END)

*Insert
6-23*

*The treatment of section
13.68 (1) (bn) ↑ (bp) ↑ and
(bq) of the statutes*

Duerst, Christina

From: Cady, Dean
Sent: Tuesday, December 30, 2008 11:24 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-1277/1 Topic: Consideration of biennial budget bill

Please Jacket LRB 09-1277/1 for the ASSEMBLY.

Champagne, Rick

From: Cady, Dean
Sent: Monday, January 05, 2009 10:20 AM
To: Champagne, Rick
Subject: RE: 2/3 rds Super Majority

Hi Rick, Thankx a mil. Unfortunately, I have couple changes that need to be made to the JFC Transparency Bill, LRB 1277/1, that I didn't catch before I had it jacketed. I will send the jacket back over this morning. The Bill just needs two changes:

First, in Sec. 1, line 4 (I think this is where the language should be inserted) after "document," "including the Roll Call vote on each Alternative Motion (and JFC sponsor) and the official procedure be permanently available." Rick, regarding the official procedure, the thinking here is similar to the Record of Procedure that is generated for the standing Committees.

The second change is in Sec. 6, either line 6 or 7, insert language reflecting individual members of the assembly or senate contacted in addition to the specific JFC members.

Thankx a mil Rick, I hope this isn't a problem.
deano

-----Original Message-----

From: Champagne, Rick
Sent: Friday, January 02, 2009 5:19 PM
To: Cady, Dean
Subject: RE: 2/3 rds Super Majority

Got your message, Deano; I will contact Greg and get him an amendment.

-----Original Message-----

From: Cady, Dean
Sent: Fri 1/2/2009 3:07 PM
To: Champagne, Rick
Cc: Gasper, Greg
Subject: 2/3 rds Super Majority

Hey Rick, deano here. I left you a voice mail regarding the Amendment to the Assembly Resolution requiring a two-thirds majority vote in order to increase the sales, income or franchise tax.

Senator Leibham would like to have a Senate companion drafted as well.

Thankx a mil.

Cheers,
deano

JTK